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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268

PRESIDING OFFICER'S
RULING NO. R97-1/5

Postal Rate and Fee Changes

Docket No. R97-1

PRESIDING OFFICER'S RULING
GRANTING PROTECTIVE CONDITIONS

(August 7, 1997)

A Motion of United States Postal Service for Protective Conditions for Filing of Library Reference H-221 (Motion) was filed August 5, 1997. The Motion indicates that a proprietary management system has been provided in response to a discovery request, and requests that protective conditions be established for access to this information to avoid potential competitive harm to the Postal Service and the private contractor who developed the system. The Service has submitted proposed conditions based on those recently approved in Presiding Officer's Ruling MC97-1/1. The Postal Service has been authorized to state that Time Warner, the participant requesting this information, has no objection.


I will grant the Postal Service motion so that interested participants can gain access to this information immediately.

During the July 30, 1997, prehearing conference in this case, counsel for the Direct Marketing Association suggested that the Commission consider establishing a standard protective order, and indicated that it intended to submit a written proposal shortly. This ruling is not intended to foreclose discussion on the development of an appropriate standard for protective conditions. The Postal Service did not incorporate all provisions of the protective conditions used in Docket No. MC97-1 in its motion. This

ruling is intended to facilitate access to Library Reference H-221 in the absence of controversy, and I will carefully evaluate suggestions for different protective conditions in the future.

RULING

1. The Motion of United States Postal Service for Protective Conditions for Filing of Library Reference H-221 is granted.
2. The protective conditions applicable to Library Reference H-221 are set forth in Attachment A.


Edward J. Gleiman
Presiding Officer

STATEMENT OF COMPLIANCE WITH PROTECTIVE CONDITIONS

The following protective conditions limit access to Postal Service Library Reference H-221. Individuals seeking to obtain access to that library reference must agree to comply with these conditions, and complete the attached certifications.

- (1) Only those persons who are either:
 - (a) employees of the Postal Rate Commission (including the Office of the Consumer Advocate) with a need-to-know; or
 - (b) participants in Postal Rate Commission Docket No. R97-1; or
 - (c) employed by such a participant, or acting as agent, consultant, contractor, affiliated person, or other representative of such participant for purposes related to the litigation of Docket No. R97-1; shall be granted access to Postal Service Library Reference H-221.
- (2) No person granted access to Postal Service Library Reference H-221 is permitted to disseminate that library reference in whole or in part to any person not authorized to obtain access under these conditions.
- (3) The final date of any participant's access shall be
 - (a) the date on which the Postal Rate Commission closes the evidentiary record in Docket No. R97-1; or
 - (b) the date on which that participant formally withdraws from Docket No. R97-1; or
 - (c) the last date on which the person who obtains access is under contract or retained or otherwise affiliated with the Docket No. R97-1 participant on whose behalf that person obtains access; whichever comes first. The participant immediately shall notify the Postal Rate Commission and United States Postal Service counsel in Docket No. R97-1 of the termination of any such business and consulting arrangement or retainer or affiliation which occurs before the closing of the evidentiary record.
- (4) Immediately after the Commission issues its recommended decision in Docket No. R97-1, a participant (and any person working on behalf of that

participant) who has obtained a copy of Postal Service Library Reference H-221 shall certify to the Commission:

- (a) that the copy was maintained in accordance with these conditions (or others established by the Commission); and
- (b) that the copy (and any duplicates) either have been destroyed or returned to the Commission.
- (5) The duties of any persons obtaining access to Postal Service Library Reference H-221 shall apply to material disclosed or duplicated in writing, orally, electronically or otherwise, by any means, format, or medium. These duties shall apply to the disclosure of excerpts from or parts of the document, as well as to the entire document.
- (6) All persons who obtain access to Postal Service Library Reference H-221 are required to protect the document by using the same degree of care, but no less than a reasonable degree of care, to prevent the unauthorized disclosure of the document as those persons, in the ordinary course of business, would be expected to use to protect their own proprietary material or trade secrets and other internal, confidential, commercially-sensitive, and privileged information.
- (7) These conditions shall apply to any revised, amended, or supplemental versions of Postal Service Library Reference H-221 filed in Docket No. R97-1.
- (8) The duty of nondisclosure of anyone obtaining access to Postal Service Library Reference H-221 is continuing, terminable only by specific order of the Commission.
- (9) Any Docket No. R97-1 participant or other person seeking access to Postal Service Library Reference H-221, by requesting access, consents to these or such other conditions as the Commission may approve.

CERTIFICATION

The undersigned represents that:

Access to Postal Service Library Reference H-221 in Docket No. R97-1 has been authorized by the Commission.

The copy obtained is marked on every page with my name.

I agree to use the information only for purposes of analyzing matters at issue in Docket No. R97-1.

I will maintain in strict confidence the information obtained from the Commission in accordance with the conditions as set out above.

Name _____

Firm _____

Title _____

Representing _____

Signature _____

Date _____

**CERTIFICATION UPON RETURN OF
PROTECTED MATERIALS**

Pursuant to the Certification which I previously filed with the Commission with respect to information received in accordance with Presiding Officer's Ruling I, on behalf of myself and/or the party which I represent (as indicated below), affirm as follows:

1. I have maintained in strict confidence the information provided by the Commission in accordance with Presiding Officer's Ruling.
2. I have used the information only for purposes of analyzing matters at issue in Docket No. R97-1.
3. I have returned the information to the Postal Rate Commission.
4. I have surrendered to the Postal Rate Commission/destroyed all copies of the information which I obtained or which have been made from that information.

Name _____

Firm _____

Title _____

Representing _____

Signature _____

Date _____